REMARKS

Any fees that may be due in connection with filing this paper or with this application during its entire pendency may be charged to Deposit Account No. 02-1818. If a Petition for extension of time is required, this paper is to be considered such Petition, and any fee charged to Deposit Account No. 02-1818.

The Preliminary Amendment and Request for Continued Examination, mailed November 13, 2008, is incorporated herein in its entirety.

An unexecuted DECLARATION of Michael Lindenbaum (DECLARATION 8) under 37 C.F.R. §1.132 was submitted with the Preliminary Amendment and Request for Continued Examination, mailed November 13, 2008, in response to the Office Action mailed May 13, 2008. The Preliminary Amendment and Request for Continued Examination indicated that the executed DECLARATION 8 in this application will be provided upon receipt. Provided herewith is the executed Declaration.

The executed DECLARATION 8 of Michael Lindenbaum is identical to the unexecuted copy of DECLARATION 8 submitted with the Preliminary Amendment and Request for Continued Examination, mailed November 13, 2008, in response to the Office Action mailed May 13, 2008.

DECLARATION 8

As discussed in the Preliminary Amendment and Request for Continued Examination, mailed November 13, 2008, Michael Lindenbaum is not an inventor of the application. He holds a Ph.D., and , as such, is representative of a person of skill in this art. Dr. Lindenbaum is employed as Vice-President of Technology Development at Agrisoma Biosciences. Agrisoma is a licensee of this application. Chromos Molecular Systems, Inc., an original assignee of record, is an owner of Agrisoma.

The Declaration describes generation of SATACs in soybean using the methods as taught in the specification, including all steps as taught in the application. The Declaration describes introduction of DNA containing hygromycin as a selectable marker into soybean calli by bombardment and growth of cells under selective condition. The Declaration describes identification of cells that had undergone amplification events by southern blot analysis. The Declaration further demonstrates stability of SATACs by growth of plants under non-selective condition and identification of SATACs in T1 seeds. The results depict identification of SATACs by Fluorescence in situ hybridization using probes to co-localize

amplified heterochromatin and heterologous DNA. The Declaration also shows that the resulting chromosomal structures are autonomous chromosomes. Hence, the Declaration shows that, just as taught in the specification, SATACs generated in soybean are characterized and can be identified by their existence as stable, extragenomic chromosomal structures having amplified heterochromatin interspersed with heterologous DNA. Thus, no knowledge of the centromere is required to identify a SATAC, nor are any methods other than those described in this application or those routinely performed by those of skill in the art prior to April 10, 1996, required.

The results provided in the Declaration were generated following introduction of a DNA containing rDNA from Arabadopsis, and the Declaration states that similar results were obtained using an rDNA from soybean. Hence, the Declaration shows that the source of rDNA used in the method is not plant species specific. Accordingly, the Declaration shows that by practicing the method exactly as described in the specification, amplification of pericentric heterochromatin and generation of chromosomal structures containing amplified pericentric heterochromatin, including SATACs, occurs in soybean.

* * *

In view of the above amendments and remarks, reconsideration and allowance of the application are respectfully requested.

Respectfully submitted,

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